



# **PLANNING COMMISSION**

## **MINUTES**

**July 28, 2010**

**4:00 P.M.**

**CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS**

### **COMMISSION MEMBERS**

**Roy McAfee, Chair  
Dr. Roy Gratz, Vice-Chair  
Susan Spears, Secretary  
Ricardo Rigual  
Edward Whelan, III  
Vic Ramoneda  
Berkley Mitchell**

### **CITY STAFF**

**Ray Ocel, Director of Planning**

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#### **1. CALL TO ORDER**

The July 28, 2010 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Roy McAfee.

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ADOPTION OF MINUTES**

- July 14, 2010 minutes were approved/adopted as submitted.

### **UNFINISHED BUSINESS/ACTION ITEMS**

4. Comprehensive Plan Compliance Review – This is a request to determine whether the proposed vacation of an unimproved portion of Pierson Street is substantially in accord with the City's Comprehensive Plan, as required by Virginia Code Section 15.2-2232. This section of the Code requires the Planning Commission to review and approve the proposed vacation of a public right of way as being substantially in accord with the adopted comprehensive plan or part thereof.

The applicant requests this portion of unimproved right-of-way be vacated in order to clean up the area and landscape it. The applicants, Mr. James Branscombe lives at 1400 Washington Avenue and Mr. Richard Harrison lives at 1304 Washington Avenue. If the vacation of the right-of-way is approved, half of the right-of-way will be obtained by each applicant and consolidated into their respective properties. Please note on the plat that Mr. Branscombe will also consolidate six individual undeveloped lots he and his wife own to the rear of their property into one lot. The Harrison's will do the same thing by consolidating five undeveloped lots to the rear of their property and the vacated right-of-way into one lot.

At the July 14, 2010 public hearing, the Commission did not hear any comments from the public. Chairman McAfee inquired about the applicants swapping land adjacent to the park for the vacation of the unimproved right-of-way and Mr. Branscome noted that he needed this land in order to accommodate the requirement to provide stormwater management on the property due to the expansion of his house. The stormwater management facility will consist of a gravel ditch which will be placed underground.

Mr. Ocel informed Commissioners that the applicants have agreed to purchase the unimproved right-of-way for approximately \$24,000 and that amount will be presented to the City Council when they review the application at the end of August.

Mr. Mitchell made a motion to recommend approval of the application as in accord with the Comprehensive Plan.

Mr. Ramoneda seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

5. SUP2010-04: Artful Dimensions represented by Joseph Wilkinson – Special Use permit request in order to operate a cultural arts center at 911 Charles Street. The property is zoned CD, Commercial Downtown and the cultural arts facility requires the issuance of a special use permit. The property is designated as Downtown on the Future Land Use Map contained within the 2001 Comprehensive Plan.

This is a request by Artful Dimensions represented by Joseph Wilkinson to obtain a special use permit in order to establish a cultural arts center at 911 Charles Street. The property is zoned Commercial Downtown (CD) which a cultural arts center by special use permit. The property contains a building that contains approximately 15,531 square feet while this use will occupy approximately 3535 square feet of that building. The remaining areas of the building are occupied by Castiglia's restaurant (324-322 William St.), Bella Italia Deli (320 William St.), Network Title Inc. and Techs in the Burg (318 William St.), and Monroe Press. (913 Charles St.)

At the July 14, 2010 public hearing, Commission members did not raise any questions or concerns in regard to the application and there were no public comments.

Mr. Whelan made a motion to recommend approval of the special use permit with the conditions outlined in the staff report.

Ms. Spears seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

6. SUP2010-05. Holly Dunwoody. Special Use permit request in order to operate a beauty shop at 1204 Princess Anne Street. The property is zoned CT, Commercial Transitional which permit beauty shops by special use permit. The property is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Mitchell abstained from discussion and vote on this application.

This a request by Holly Dunwoody to obtain a special use permit in order to establish a beauty shop located at 1204 Princess Anne Street. The property is zoned Commercial Transitional (CT) which permits a beauty shop by special use permit. The property contains a building that contains

approximately 3000 square feet. Please see the property information sheet contained within the application.

At the July 14, 2010 public hearing, Commission members did not raise any questions in regard to the application and there were no public comments.

Mr. Ramoneda made a motion to recommend approval of the application with the conditions outlined on the staff report.

Dr. Gratz seconded the motion.

Motion carried by a vote of 6 – 0, with one abstention (Mr. Mitchell).

7. Comprehensive Plan Amendment- This is a proposal to amend the 2007 Comprehensive Plan to note the general location of a relocated Fire Station number 1. The Virginia Code requires the adopted Comprehensive Plan control the general or approximate location, character and extend of new public facilities. No new facility shall be established or constructed until its general location or approximate location, character and extent is either shown in, or consistent with the Comprehensive Plan. The proposed amendment will amend the Policies in Chapter 9: Public Facilities and Services; amend the Recommendations in Land Use Planning Area 6: Downtown Neighborhoods and amend the Recommendations in Land Use Planning Area 7: Downtown.

This is a request to amend the Comprehensive Plan to note the possible relocation of Fire Station #1 within Planning Area 6: Downtown Neighborhoods as required by Virginia Code Section 15.2-2232.

At the July 14, 2010 public hearing, the Commission did not hear any comments from the public in regard to amending the Comprehensive Plan.

Mr. McAfee asked staff if moving Fire Station #1 was contemplated with the Comprehensive Plan was being reviewed and updated in 2006/2007 and staff indicated that the move was not discussed as the site of Fire Station #1 was not an identified site for the construction of a new municipal court facility.

Mr. Whelan made a motion to approve the Comprehensive Plan Amendment.

Dr. Gratz seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

8. Bryan Najeotte – Request to approve an application to reface an existing free-standing sign located at 2100 Princess Anne Street.

This is an application for replacement of a freestanding sign face. The Princess Anne Street Gateway Corridor Overlay District and associated design guidelines for this district make it necessary for the Planning Commission to review and approve signs that are subject to view from the Gateway Corridor public right-of-way.

Bryan's Place is a new restaurant that has moved into the former location of Captain Sid's restaurant. The freestanding structure that will support the sign is already in existence. This site falls within the Old Route 1 Highway District section of the Overlay and is zoned Commercial Highway.

The designation of any property lying within the Overlay District is in addition to, and not in lieu of, the underlying zoning district classification. In this case 2100 Princess Anne street is zoned CH and the Zoning Ordinances permit freestanding signs in CH based on the following.

*One freestanding sign shall be permitted per building in the CH district. Such sign shall not exceed 100 square feet in area or 20 feet in height above ground level. The location of such sign shall be subject to approval by the director of building and development services and the zoning administrator. In the CH district, freestanding signs shall convey only business information.*

Only a face replacement of the one existing freestanding sign is proposed. The overall sign box is 4 feet in height by 6 feet in width. The placement of the freestanding sign is already established by the existing pole structure.

The sign structure has existing wiring for internal illumination.

Mr. McAfee clarified that this application is not required to go before a public hearing.

Mr. Ocel said this was correct.

Dr. Gratz noted that the sign is already in place.

Mr. Ocel said he was aware of the sign being in place, which is what triggered the application.

Dr. Gratz noted concern regarding applicants moving forward with installation of signs, etc., prior to obtaining the appropriate permits. He also noted concern that there appears to be no plans to improve the outside of the property with landscaping, removal of the chain link fence, etc.

Mr. Ocel said the only plans for changes are to the interior of the building.

Dr. Gratz said he is concerned that the Corridor Overlay really does not have any teeth for enforcement of beautification of properties.

Mr. Whelan said he agrees with the comments made by Dr. Gratz. He said he had talked with the owner and that there are intentions to plant trees. However, he said, the fence will remain around the property at the desire of the landlord because of parking issues associated with Carl's Ice Cream.

Mr. Whelan made a motion to approve the application.

Dr. Gratz seconded the motion.

Motion carried by a unanimous vote of 7 – 0.

### **OTHER BUSINESS**

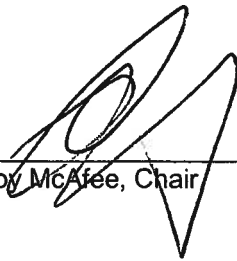
#### **Planning Commissioner Comment**

- None

#### **Planning Director Comment**

- Mr. Ocel informed Commissioners of an upcoming informational meeting for those along the Lafayette Boulevard Corridor on August 10, 2010 at 7:00 p.m. in the Council Chambers.

### **ADJOURNMENT**



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Roy McAfee, Chair